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Convention on the Elimination of all Forms of Discrimination Against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fifth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 109th MEETING

Held at Headquarters, New York,
on Thursday, 18 February 1988, at 3 p.m.

Chairperson: Ms. BERNARD

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

* The summary record of the second part (closed) of the meeting appears as document CEDAW/C/SR.109/Add.1.

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Japan (continued) (CEDAW/C/5/Add.48, Amend.1 and Corr.1)

1. At the invitation of the Chairperson, Ms. Sato (Japan) took a place at the Committee table.

Article 16

2. Ms. GUAN Minqian inquired whether husbands in Japan treated their wives as true equals, and whether there was support for working women in the pursuit of a career from husbands and the Government alike. There appeared to be a high rate of death by suicide among older women, in view of which she asked whether the Government had any specific policy to counter that tendency.

3. Ms. CORTI said that the question of whether a wife took her husband's name and the subject of contraception were important in the context of article 16. Further details of family planning policies in Japan should be provided.

4. Ms. EVATT asked whether the position of the ex-nuptial child with regard to inheritance was the same as that of the child born in wedlock. She also requested information on the role and status of the geisha, a phenomenon which appeared to be incompatible with the Convention.

5. Ms. AKAMATSU said that although Japan had a long way to go in ensuring equality of men and women, no country was free of discrimination. What mattered was to recognize discrimination and take action to eliminate it. Married women had the right to continue to use their maiden name, provided that the question was determined at the time of marriage. In practice, however, only a minority did so. In that connection the Government might consider the adoption of legislation to strengthen the position of women.

6. Ms. SINEGIORGIS said that there appeared to be discrimination against women with respect to remarriage, since there was a period of six months following divorce during which women alone could not remarry.

7. The CHAIRPERSON inquired why the prohibition applied to women alone and not to men.

8. Ms. Sato (Japan) withdrew.

Initial report of New Zealand (continued) (CEDAW/C/5/Add.41 and Amend.1)

9. At the invitation of the Chairperson, Ms. O'Regan (New Zealand) took a place at the Committee table.

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10. Ms. O'REGAN (New Zealand), responding to questions on the report, said that the head of the Ministry of Women's Affairs was a woman. The inclusion in the Minister's portfolio of responsibility for statistics and consumer affairs did not mean that a lower priority was given to women's rights; rather, the additional responsibilities meshed with the promotion of the status of women and engendered a more effective overall approach. A budget of some $US 2 million per annum was available to the Ministry.

11. The Ministry had overall responsibility for the rights of Maori women, who, in fact, constituted 40 per cent of its staff. A special Maori Women's Unit had been established. Maori women had the same rights as other New Zealand women, but an awareness had developed of their special requirements, which were being addressed by affirmative action programmes.

12. There was a good working relationship between the Ministry and feminist organizations, which had been involved in planning the structure of the Ministry. Both benefited from the partnership, in that the Ministry had access to policy-makers and feminist organizations had a grass-roots network. Indeed, employment in the Ministry was dependent upon a commitment to feminist objectives. The Ministry sought to operate by consensus.

13. The Ministry of Women's Affairs consulted with special-interest organizations representing disadvantaged groups, such as the disabled, in respect of areas of concern. Efforts were being made to establish a women's resource network to provide skills training. The Ministry had representation in other government departments so as to ensure appropriate co-ordination.

14. With regard to awareness in New Zealand of the Convention, a publicity campaign had been carried out prior to ratification, and further publicity would be given to the work of the Committee at the end of the session. The Convention had not been translated into any of the Pacific Island languages. There had not been specific involvement by non-governmental organizations in the preparation of New Zealand's initial report, although there was close co-operation with such organizations in general. New Zealand legislation met the minimum standards required under the Convention, which was a guiding force in the Ministry's work to promote equality. New Zealand had entered reservations in respect of a few articles only.

15. Although there were no official barriers to participation by women in political life, attitudinal and structural difficulties, such as the role of women as the primary care giver and the attitudes of selection committees, deterred many from pursuing political careers. The Ministry, political parties and non-governmental organizations were all working to encourage more active participation. Some progress had been made in recent years towards the goal of 50-per-cent representation on various statutory bodies.

(Ms. O'Regan, New Zealand)

16. Approximately 20 per cent of New Zealand's ambassadors were women, compared with some 25 per cent of the diplomatic service as a whole. Roughly 50 per cent of current trainees were women. There were women's caucuses in the political parties, but the Ministry was the primary conduit for making women's views known in policy-making organs.

17. Turning to education, she said that New Zealand had no clear-cut policy on the issue of single-sex versus co-educational schools. There was evidence to suggest that girls achieved better results in single-sex schools, owing to factors such as female role models in senior positions, and greater access to teaching staff, who, in co-educational schools, tended to devote more time to boys than to girls. Active steps were being taken to promote access to non-traditional fields such as science and engineering. With regard to family-life education, there was a mandatory health-care syllabus and sex education was taught. School textbooks were periodically revised in the endeavour to end stereotyping. Some 70 per cent of primary school teachers and 50 per cent of secondary school teachers were women. The Ministry was seeking to ensure that at least one of the top three positions in co-educational secondary schools was held by a woman.

18. In the employment sector, women were currently concentrated in a narrow range of jobs: teaching, sales, typing, clerical and light assembly work in manufacturing. Several factors were at play there, including sex-stereotyping of jobs, vocational education - which, while changing, still had a long way to go - and employers' attitudes. Added to that was the male structure of the working world, which expected employees to put in 40 hours a week for 40 years, with no provision of leave for raising children.

19. Steps taken to reverse that situation included special measures in both the public and private sector, including training for supervisors and managers, training for women, examination of selection procedures and entry and promotion criteria, and the inclusion of women on interview panels.

20. In the private sector, guidelines were being provided for employers, and seminars had been organized by the Ministry of Women's Affairs. There had also been an inquiry by the Human Rights Commission on women in banking. Work was also being carried out by the Employers' Federation. All affirmative action measures in the private sector were voluntary. Progress was being monitored by the Ministry, which - if progress was too slow - might make affirmative action compulsory. However, that was not the current intention, nor was action being taken at present. Targets had been set, but there were no quotas.

21. Regarding maternity, paternity and parental leave, which had been described in the introduction to New Zealand's report, it was too soon to know to what extent fathers would take advantage of the Parental Leave and Employment Protection Act of 1987. In the state sector, six weeks' paid leave was granted. Regarding the reference in the introduction to the report on the working party on paid maternity/paternal leave, the Ministry of Women's Affairs had recommended paid leave. The report was now up for public discussion, and women's views would be made known to the Government.

(Ms. O'Regan, New Zealand)

22. On the subject of pregnant women applying for jobs, she referred to the Human Rights Commission Act; although women could apply to the Human Rights Commission, there was no other forum for redress.

23. As to vocational training, the Ministry of Women's Affairs was not only producing pamphlets, but also organizing a special training programme, including apprenticeship training for women, which was especially important as many women found it daunting to be the only woman in a class of men. There were also courses at polytechnics for classes of women, on such subjects as women returning to work.

24. As to women's unpaid work, and how to measure it, the subject was still being examined and the Ministry of Women's Affairs hoped that it would be taken into account in economic planning. The collection of data on voluntary work was also being looked into. On the question of equal pay, she referred the Committee to the introduction of New Zealand's report. A Steering Committee was studying wage differentials between women and men, and action to eliminate them was planned. Although no job evaluations had yet been carried out, they would be a step towards equal pay for work of comparable worth.

25. Women were very active in trade unions, particularly in the women-dominated trade unions, and two major unions had women's committees and one had a woman vice-president. The role of the trade unions included collective bargaining in respect of women's pay and working conditions, which encompassed such issues as personal grievances procedures and sexual harassment.

26. She had been asked to elaborate on New Zealand's failure to ratify ILO Conventions 156 and 158 on workers with families and termination of employment, respectively. (The Conventions had been referred to, erroneously, as Nos. 165 and 166.) The former had not been ratified as its definition of workers with families was wider than New Zealand's. Also, family responsibility was not covered by New Zealand's Human Rights Act in respect of unlawful discrimination.

27. The termination-of-employment clause had not been ratified because the Government considered it an area for collective bargaining within the general framework of labour relations. Neither did New Zealand require notification of changes in the workplace, which the Government viewed as a managerial prerogative.

28. Regarding women in the judiciary, there were currently six women district-court judges, but there were no women's-court or appeal-court judges. Although there had been some changes, women lawyers often suffered from discrimination.

29. With regard to proposed guidelines for women working with lead, she replied that, although there were relatively few premises for such work in New Zealand, there were guidelines specifically for women, owing to the possible risk to the foetus: any woman who might possibly become pregnant should not be employed in

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lead work if her red-cell lead concentration reached 3.8 mils/litre; and pregnant women should be suspended from lead work. Women who might become pregnant were advised to have lead-level blood tests more frequently than outlined in the relevant standard for lead work.

30. Responding to questions relating to the Human Rights Commission, she referred to section 28 of the Human Rights Commission Act, which provided for special measures to promote women. They were based on recognition of past discrimination against women and had to be submitted to the Commission for approval. Examples of such programmes were women-only courses and seminars, special training courses, such as apprenticeship programmes for women, and women's courses in training institutes.

31. In the health sector, New Zealand had a public health system equally available to all citizens. There was increasing awareness of women's special health needs and of the need for women to become more closely involved in the planning of health services. There was a strong women's health lobby, with emphasis on cervical screening facilities, health awareness and education and the status of women health workers, such as midwives. Although, in theory, abortion services were equally accessible to all women, in practice rural women tended to be disadvantaged. Abortion was still treated as a moral issue in many rural areas. Other problems were the increased decentralization of health services and the subjective nature of decision-making.

32. A public education campaign on the subject of AIDS was under way and an inter-departmental working party had been set up to examine overseas patterns of distribution; consultations were also in progress with the prostitutes' collective. Heavy emphasis was also being placed on family-planning education.

33. As to violence against women, the subject was receiving increasing attention and was now identified as overwhelmingly a problem of men's behaviour towards women, whether it be rape, domestic violence, sexual assault or incest. Government response had focused on both legislative and regulatory measures and on preventive measures. The Government provided funding for women's shelters and rape crisis centres.

34. Recent innovations in the process of rape-law reform included the definition of a new crime of sexual violence, widening the definition of rape, removing spousal immunity and changes in the admissibility in court of the victim's previous sexual behaviour; the victim could now give evidence in a cleared court with only the judge present.

35. The National Conference on Family Violence had been held in 1985. Wide-ranging recommendations were being followed up by a Family Violence Prevention Co-ordinating Committee, which included representatives from seven government departments and groups such as Refuge, Rape Crisis and a Maori group.

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36. There was a new national police policy regarding domestic violence, since their previous "non-interference" policy had been unsuccessful. The new policy called for police to arrest aggressors in domestic assaults as they would all other violent offenders.

37. On the subject of the 1982 Domestic Protection Act, she responded that the Act specifically dealt with domestic violence, including that within marriages and de facto relationships. It protected women (and men) who were or had been in a marriage or de facto marriage from violence or molestation. The court could make a non-violence or non-molestation order and could also make orders for the exclusive occupation of the home. The Act covered children as well.

38. On the subject of rural women, she replied that that group was receiving special attention from the Ministry of Women's Affairs. Although in theory those women had equal rights, there were still problems of lack of access to goods and services, employment, child care, etc. The Ministry was working closely with rural women's organizations and sponsored a magazine on women in agriculture (WAG Mag), WAG days and training institute outreach programmes.

39. On the subject of child care, she acknowledged that services were still inadequate. That was a priority area for the Ministry of Women's Affairs; it was a "women's issue" because women carried the primary responsibility for the care of children.

40. The Government intended to establish a task force with a view to implementing its policy on child-care funding and expanded services. The state sector had introduced child care into the public service, by providing child care for public servants.

41. Kindergarten was only one type of institution for early childhood care and education. It was basically free, teachers' salaries being paid by the State. Although in theory the kindergarten was open to children over three, in practice lack of availability of places led many kindergartens to start taking children at age four. Care was provided for three hours a day. Other types of early-childhood services included play centres, crèches, day care and private care.

42. One of the tasks of the child-care task force would be to remove current anomalies in the funding of services. With regard to the protection of children in child care, there were strict regulations for standards at all child-care centres.

43. On the subject of changing attitudes, which included sex stereotyping, the role of men, women's attitudes, the changing role of the family and sexist language, she replied that sex stereotyping was not outlawed, but it was government policy to reduce and ultimately eliminate it. The Ministry of Women's Affairs and women's organizations were active in fighting sex-role stereotyping.

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44. On the subject of the exploitation of women in the media, while measures existed to eliminate it, it definitely still existed both in advertising and in pornography. Guidelines were given to advertising, and there was a Committee of Inquiry into Pornography, set up by the Ministry of Justice. There were also several groups, including Women against Pornography and Media Women, which was made up of women working in the media and concerned about the position of women employees in the industry and the way women were portrayed.

45. As to sexist language, the Ministry of Justice had announced as its goal the "removal of sexist language from legislation". The Ministry of Women's Affairs was working to remove sexist language from textbooks. Guidelines were also given for government publications and Radio New Zealand.

46. As to the role of men, small but growing numbers of men were recognizing their role and responsibility in working for women's equality. There were several groups such as "Men against Violence" and "Men against Rape" which supported women's groups and provided cooking and child-care facilities at women's meetings. There was an increase in shared parenting and in sharing household tasks. However, there was still not equal sharing in most households.

47. On the subject of women's role, although many women headed single-parent households, there was still the stereotype of the male breadwinner/economically dependent wife in New Zealand families. This was reflected in much social policy, but was definitely changing.

48. As to the experience of the implementation and practice of the Human Rights Commission, she said that there had been increased public and private sector acceptance and compliance over the past 10 years. The Commission's caseload had decreased slightly on a numerical basis, as had overt discrimination. However, complaints were more subtle and complex and larger amounts of monetary compensation were achieved in settlements.

49. Twelve cases had been brought before the Equal Opportunities Tribunal - six on grounds of sex, three on grounds of race and three on grounds of religion. The vast majority of cases were settled by mediation. Cases had been wide-ranging, with the most common charge being sex discrimination in employment against women, particularly in appointments, promotions and sexual harassment. Penalties varied according to the complaint and the complainant's wishes. Usually penalties would be monetary compensation (maximum $12,000), restraining orders, assurances and apologies. Although the Act did not require updating after 10 years of implementation, a report has been prepared by the Human Rights Commission and forwarded to the Minister of Justice recommending a number of procedural and substantive amendments to the Act. Discussions were now taking place with the Government. Members of the Equal Opportunities Tribunal and the Human Rights Commission were chosen by the Government of the day.

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50. As to the role and composition of the High Commission on discrimination cases, the High Court of the High Commission heard appeals from the Equal Opportunities Tribunal. The Court sat with a judge and two lay members selected from the panel established for the Equal Opportunities Tribunal.

51. "DPB" stood for the "Domestic Purpose Benefit" paid to full-time single parents. Replying to the question from Ms. Pilataxi de Arenas, she said that "solo" parent meant not only widows and divorcees, but also women who had never married. Statistics showed that a majority of "solo" households were headed by women. Replying to Ms. Laiou-Antoniou, she said that motherhood was viewed as a matter of "individual choice". Less and less, mothers were considered as "not working", a change of attitude that would be reflected in future social policies. Ms. Laiou-Antoniou had asked whether payment of the family benefit to women perpetuated the idea that children were the woman's responsibility. However, the Ministry of Women's Affairs and most women in New Zealand supported such payments. The fact was that women were generally responsible for the children and the family benefit was often their only source of independent income.

52. Responding to Ms. Laiou-Antoniou, she said that women were not required to take their husband's name on marriage. A growing number of women were retaining their own names, though they were still in the minority. Children usually took the father's name and there was still social pressure to do so. However, the choice was left to the parent and some children bore either the mother's name or both parents' names. Divorce by mutual consent was possible and common. All New Zealand children enjoyed the same status under the Status of Children Act of 1969, which abolished the concept of illegitimacy. A 1978 amendment to that Act established the father of children conceived through artificial insemination as the man married to or living with the mother - and not the donor of the semen. "Collectives" in French, pointed out by Ms. Corti, was a translation of the English term "non-family household", used to describe house- or apartment-sharing by persons who were not blood relatives.

53. New Zealand's law did not contain a declaration on equality between men and women. Its human rights legislation touched on discrimination, but mainly with respect to employment, and, in any case, it did not provide for sanctions. Theoretically, women had equal access to the law and information about the law. However, correspondence received by the Ministry had revealed that women were frequently inexperienced in that area. The Ministry had therefore published a pamphlet for women on law, public policy, housing and health services. In addition, a task force under the Government's social reform programme would work to ensure that women were better informed of their legal rights. Of the 166 members on New Zealand's Housing Allocation Committees, 95, or 57 per cent, were women. Lastly, in New Zealand's common-law tradition, prostitution per se was not a crime. However, related activities, such as soliciting, procurement, living off the earnings of prostitution and brothel-keeping were considered offences under the law.

54. Ms. CARON said that she would appreciate an indication of when New Zealand planned to withdraw its reservations to the Convention. The 1978 amendment concerning artificial insemination reinforced the principle that the child should bear the father's name. And yet, if anything, the mother's identity was more certain. The amendment seemed to contradict the fact that the child could take either parent's name.

55. Ms. O'REGAN (New Zealand) said that there had been a misunderstanding. The Status of Children Act determined who should be considered the father, but made no reference to which name the child should take. In introducing her country's report, she had explained that New Zealand had entered reservations where its own laws did not yet comply with the Convention. It would withdraw its reservation concerning women in underground work when its laws had been changed. Its reservation on paid maternity leave, however, could not be withdrawn until that benefit was actually provided in New Zealand.

56. Ms. CARON specified that she had merely been asking whether the Committee could look forward to an early withdrawal of New Zealand's reservations.

57. Ms. O'REGAN (New Zealand) said that the immediate action taken with respect to all the reservations was a promising sign and pointed to an early withdrawal of the reservations.

58. Ms. EVATT noted with satisfaction the broad participation by New Zealand's women in the process of change and asked about priorities for further changes in the near future.

59. Ms. O'REGAN (New Zealand) said that one goal of the Ministry was to transform the process of change itself. The improved process would be based more on consensus and on consultation at every stage with the women who were expected to benefit from the programmes.

60. Ms. O'Regan (New Zealand) withdrew.

The public meeting rose at 4.50 p.m.

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23 February 1988

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventh session

SUMMARY RECORD OF THE SECOND PART (CLOSED)* OF THE 109th MEETING

Held at Headquarters, New York,
on Thursday, 18 February 1988 at 3 p.m.

Chairperson: Ms. BERNARD

CONTENTS

Other organizational matters

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The closed meeting was called to order at 5 p.m.

OTHER ORGANIZATIONAL MATTERS

1. Ms. TALLAWY, speaking as the representative of Working Group I, proposed that, to save time, the introduction of initial reports should be limited to 20 minutes. Committee members, for their part, should make every effort not to duplicate questions. The Working Group should be allotted a regular meeting time, as it had proved difficult to convene it at 9 a.m.

2. The Working Group had also drawn up guidelines for second reports, designed to ensure that second reports would not amount to mere repetition of initial reports. Under the guidelines, the second report should focus on new legislative measures adopted by the Government since the first report, and on de facto progress, beyond legislative acts, in reversing obstacles to genuine equality. The second report should also note significant changes in the status and equality of women since the previous report and any remaining obstacles to equality for women in general. Each State's second report would also cover specific issues brought to its attention either by the Committee as a whole or by its individual members.

3. The Working Group had decided to adopt the procedure used by the Human Rights Committee in the consideration of second reports.

4. The CHAIRPERSON requested a report in writing on the work of Working Group I for distribution to all Committee members.

5. Ms. SINEGIORGIS stressed the need to encourage dialogue between the Committee and the States parties and did not feel that it was necessary to limit the time given to representatives of States parties to introduce their reports and reply to questions. States parties should be encouraged to reply in detail to questions raised by the Committee.

6. The members of the Committee had been able to eliminate some of the repetition in the questions which they asked representatives of States parties and should continue to do so in the future. Consideration should be given to the need to schedule the meetings of the working groups. Perhaps an hour could be set aside every other day or so for that purpose. With regard to the guidelines for second reports, the Committee could follow the practice used in the Human Rights Committee.

7. The CHAIRPERSON pointed out that States parties were informed that they should not exceed a certain amount of time in introducing their reports and that they should submit reports that were as complete as possible. She agreed that progress had been made in reducing repetition and the number of questions concerning reports. The members of the Committee should strive to keep their preliminary remarks on reports to a minimum and avoid repeating what previous speakers said. The Committee would have to decide on a way to schedule meetings of the working groups on a regular basis.

8. Ms. NOVIKOVA stressed the need to maintain the proper balance between the discussions in the Committee and the work conducted in the working groups.

9. Ms. SOUMARE underscored the need for flexibility in giving States parties sufficient time to introduce their reports and reply to questions, and agreed that it was necessary to encourage dialogue between the Committee and the reporting States. She also felt that it would be very useful to discuss the guidelines for the second reports in the working group.

10. Ms. SINEGIORGIS said that Working Group II had only met once and as yet had nothing to report.

11. The CHAIRPERSON drew attention to a letter dated 1 July 1987 from the Permanent Representative of France to the United Nations addressed to the Secretary-General in document A/42/383. The letter stated that, without wishing to question the fully independent evaluations of the Committee's experts, the French delegation regretted to note that the positions which it had set forth concerning its initial report at the sixth session of the Committee were not accurately reflected in the Committee's report (A/42/38) and therefore wished to draw attention to certain changes which it would have welcomed in that report.

12. Ms. EVATT proposed that, since that letter did not require any action, the Committee should simply state in its next report that it took note of the letter and should indicate the document symbol.

13. Ms. FORDE said she supported that proposal.

14. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee wished to take note of the letter from the Permanent Representative of France in its next report and indicate the relevant document symbol.

15. It was so decided.

The closed meeting rose at 5.55 p.m.